

EXHIBIT 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, WILLIAM BYATT,) Case No.
JEREMY DAVIS, CHRISTOPHER) 5:20-cv-03664-LHK-
CASTILLO, and MONIQUE TRUJILLO) SVK
individually and on behalf of)
all other similarly situated,)
)
Plaintiffs,)
)
vs.)
)
GOOGLE LLC,)
)
Defendant.)
_____)

VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED
DEPOSITION OF MONIQUE TRUJILLO

Friday, February 11, 2022
Remotely Testifying from Los Angeles, California

Reported By:
Hanna Kim, CLR, CSR No. 13083
Job No. 5077549

1 San Dimas, California.

2 Q. Okay. And how long have you worked there?

3 A. Two years.

4 Q. Okay. And what's your title?

5 A. I'm a regional manager. 09:39:18

6 Q. And what does that entail, being a
7 regional manager at Curative?

8 A. That entails overseeing 45 staff, managing
9 seven to eight sites at a time.

10 Q. You said man- -- managing seven or eight 09:39:52
11 sites at a time?

12 A. Seven to eight sites at a time, yes.

13 Q. Okay. And those sites, are they -- are
14 they labs, lab sites, or something else?

15 A. They are -- there are mobile labs and 09:40:04
16 walk-up sites.

17 Q. Okay. And what do the mobile sites --
18 mobile labs and walk-up sites, what do they
19 facilitate, or what are -- what are folks walking
20 up to do at these labs? 09:40:27

21 A. Rapid PCR testing.

22 Q. Okay. So COVID related?

23 A. Yes.

24 Q. Okay. And do you work with computers in
25 your current role as regional manager at Curative? 09:40:42

1 A. Yes.

2 Q. Okay. Do you use the internet in
3 connection with your position?

4 A. Yes.

5 Q. Okay. What's the highest level of -- 09:40:53
6 actually, let me take a step back.

7 Have you had any other jobs before
8 becoming a regional manager at Curative two years
9 ago?

10 A. Yes. 09:41:08

11 Q. Okay. What positions have you held and
12 when?

13 A. Before Curative, I was a senior associate
14 at Nordstrom.

15 Q. And how long were you a senior associate 09:41:30
16 at Nordstrom?

17 A. About a year and a half.

18 Q. And before that?

19 A. Before that, I was in a showroom in
20 Santa Monica. 09:41:54

21 Q. What kind of showroom?

22 A. The company was Farrow & Ball. And it --
23 it's paint and wallpaper.

24 Q. Okay. And how long were you at the
25 showroom in Santa Monica? 09:42:14

1 A. A little over a year.

2 Q. Any other jobs that we haven't covered
3 yet?

4 A. I -- before Farrow & Ball, I was working
5 on sets doing costuming. 09:42:41

6 Q. Costume design?

7 A. Yes.

8 Q. Okay. And how long did you do that?

9 A. I've been doing that on and off since
10 2000. 09:42:56

11 Q. Okay. What's the highest level of
12 education you've completed?

13 A. An associate's in college.

14 Q. Okay. And when did you get your
15 associate's degree? 09:43:14

16 A. 2006.

17 Q. And what did you study and where?

18 A. That was from Los Angeles City College.

19 Q. And you studied?

20 A. English. 09:43:38

21 Q. Okay. How did you get involved in this
22 case?

23 A. I saw -- I saw the article, and I read it
24 and reached out to the firm.

25 Q. Which article are you referring to? 09:44:01

1 A. The article that talked about how
2 incognito was not sticking to its privacy policy.

3 Q. And do you remember where you saw this
4 article? Was it online, was it in print -- print
5 form, or some other medium? 09:44:46

6 A. It was online.

7 Q. And was the article published by a -- a
8 law firm, or was it something like you would read,
9 let's say, you know, in the daily news or, you
10 know, the -- The Washington Post? 09:45:02

11 A. It was -- I don't recall. It was not
12 posted by the law firm itself.

13 Q. But it instructed you to contact the law
14 firm --

15 MS. BAEZA: Objection. Mischar- -- 09:45:24
16 BY MS. CRAWFORD:

17 Q. -- without the --

18 MS. BAEZA: Sorry, Jomaire.

19 MS. CRAWFORD: Well, give me a second,
20 Rosy. Sorry. I'm -- I'm -- I wasn't finished with 09:45:30
21 the question.

22 BY MS. CRAWFORD:

23 Q. Did the article instruct you to contact
24 counsel?

25 A. No. 09:45:37

1 Q. Okay. What did the article say?

2 A. It just spoke about its findings and...

3 Q. And when did you -- do you remember when
4 you viewed that article?

5 A. I do not. 09:46:04

6 Q. Roughly speaking, was it in, you know,
7 2000- -- 2022? Was it in 2016, '17, '18? Again,
8 roughly speaking.

9 A. I would say 2020.

10 Q. After this lawsuit was filed? 09:46:35

11 A. I don't have the exact dates of when it
12 was filed and when the article was put out.

13 Q. Okay. And do you happen to know who
14 published the article that you're referring to?

15 A. I do not. 09:47:00

16 Q. Okay. And how did you ultimately get
17 involved in this lawsuit?

18 A. I --

19 MS. BAEZA: Objection. Form. Vague.

20 BY MS. CRAWFORD: 09:47:29

21 Q. You can answer.

22 A. I contacted the law firm and asked to
23 speak with somebody because what I had read was
24 what I had experienced myself, and it was just
25 maddening. 09:47:52

1 Q. So we'll -- we'll get to the specific
2 experiences that you've had in connection with
3 this litigation. Before we do, just a couple more
4 follow-up questions.

5 Do you have a personal relationship with 09:48:07
6 any of the lawyers or law firms who are
7 representing Plaintiffs in this case?

8 A. No, I do not.

9 Q. Have you ever been involved in any other
10 class actions as a named plaintiff or a class 09:48:21
11 representative?

12 A. No, I have not.

13 Q. Is this your first time reaching out to
14 lawyers in response to the kind of article that
15 you mentioned reading? 09:48:36

16 A. Yes.

17 Q. Have you ever been involved in any other
18 litigation?

19 A. No, I have not.

20 Q. Have you ever testified at trial? 09:48:48

21 A. No, I have not.

22 Q. How about an arbitration proceeding?

23 A. No.

24 Q. Have you ever given formal testimony in
25 front of a governmental agency? 09:49:05

1 A. In this case.

2 Q. Okay. So the lawyers in this case
3 represented that Google was collecting user data
4 without obtaining consent; is that right?

5 MS. BAEZA: Objection to form. 11:46:57
6 Mischaracterizes testimony.

7 And, again, to the extent this is asking
8 for communications between counsel and
9 Ms. Trujillo, I'm going to instruct Ms. Trujillo
10 not to answer. 11:47:08

11 BY MS. CRAWFORD:

12 Q. To be clear, Ms. Trujillo, I'm asking
13 about what your -- what you understood after
14 reviewing the news article that you mentioned.

15 Did the news article represent -- did 11:47:16
16 lawyers who published the news article represent
17 that Google was collecting data without obtaining
18 user data, yes or no? Obviously --

19 MS. BAEZA: Objection to form.
20 Mischaracterizes the testimony. She never said 11:47:33
21 that the lawyers published the article.

22 BY MS. CRAWFORD:

23 Q. Ms. Trujillo, you can answer.

24 A. I don't know who published the article.

25 Q. Okay. Ms. Trujillo, you testified when I 11:47:45

1 asked what was the supporting evidence for the
2 assertion that Google tracking -- sorry --
3 collecting data without consent was a known fact,
4 you testified, quote, "Attorneys and experts
5 looking into this." 11:48:05

6 Do you remember that?

7 A. Yes.

8 Q. And when I asked which attorneys, you
9 responded, quote, "The attorneys that work for the
10 law firm that I hired in this case." 11:48:18

11 Do you remember that?

12 A. Yes.

13 Q. So can you tell me in what context did the
14 attorneys from the law firm that you hired in the
15 context of this case made that representation? 11:48:31
16 Was it in the form of the news article that you
17 reviewed or in some other capacity?

18 MS. BAEZA: I'm going to instruct
19 Ms. Trujillo not to answer to the extent you're
20 asking questions about communications outside of 11:48:44
21 the article that she saw about the lawsuit.

22 BY MS. CRAWFORD:

23 Q. You can answer, Ms. Trujillo.

24 A. I can't answer that question.

25 Q. Is it because it call- -- you believe that 11:48:59

1 it calls for privileged information?

2 A. Yes.

3 Q. So then, is it the case that your basis
4 for believing that it was a known fact that Google
5 is collecting this data, does it derive from 11:49:15
6 information that you've obtained from lawyers that
7 you've hired in this case, yes or no?

8 MS. BAEZA: Objection to form.
9 Mischaracterizes testimony.

10 She -- she said it came from an article. 11:49:28

11 BY MS. CRAWFORD:

12 Q. Can you please clarify, Ms. Trujillo?

13 A. I was initially informed of this from the
14 article I read.

15 Q. And what did the article say specifically 11:49:50
16 about Google's data collection without user
17 consent?

18 A. It specifically said that Google is
19 tracking information while on incognito mode.

20 Q. And did they cite -- did the article cite 11:50:11
21 any evidence or support or offer facts to
22 support -- to justify that assertion, yes or no?

23 A. Yes.

24 Q. What were those facts or supporting
25 justifications? 11:50:40

1 MS. BAEZA: Objection. Form. Asked and
2 answered.

3 BY MS. CRAWFORD:

4 Q. You can answer.

5 A. I can't give you an answer about 11:50:54
6 statistics, but the article did state that
7 attorneys and experts have found to be true that
8 Google is tracking and collecting information
9 while users are in incognito mode.

10 Q. And the article represented that that was 11:51:27
11 done without user consent?

12 A. Yes.

13 Q. And the lawyers that you just mentioned,
14 the article did state -- I'm quoting from your
15 testimony now. "The article did state that 11:51:47
16 attorneys and experts have found to be true that
17 Google is tracking and collecting information."

18 Which lawyers are you referring to when
19 you say that?

20 A. The lawyers at the firm I contacted. 11:52:00

21 Q. Okay. So that would be counsel
22 representing you in this case? Yes?

23 A. Yes. Correct.

24 Q. You're aware that there was a com- --

25 MR. MAO: Hey, Jomaire. This is --

1 Jomaire. Jomaire, this is Mark. This is Mark
2 Mao.

3 MS. CRAWFORD: Yes?

4 MR. MAO: Just real quick. Just for the
5 record -- and I'll put it on the record. Okay? 11:52:30

6 MS. CRAWFORD: Sure.

7 MR. MAO: Because Rosy was not involved in
8 the case at the beginning of the case. There is no
9 solicitation, like, article, that the firm's put
10 out there. If that's what, like, this is all 11:52:40
11 about, although she's answered this, like --

12 (Interruption in audio/video.)

13 -- times.

14 And I will make the representation to you
15 that the lawyers did not send out a solicitation, 11:52:45
16 like publishing anywhere that has not been produced
17 in the case. I -- and -- and there is none.
18 That's why. Okay? So I've been --

19 MS. CRAWFORD: Yeah, but you were --

20 MR. MAO: -- listening to this for a 11:52:57
21 while --

22 MS. CRAWFORD: Mm-hmm. I appreciate
23 your --

24 MR. MAO: -- right?

25 MS. CRAWFORD: -- attentiveness, so

1 then --

2 MR. MAO: -- right? And -- and I just
3 want to clarify --

4 MS. CRAWFORD: -- you -- you're also
5 hearing the witness testify --

6 MR. MAO: Well -- well, right because --

7 MS. CRAWFORD: -- about lawyer --

8 (Simultaneous speaking.)

9 (Interruption in audio/video.)

10 THE COURT REPORTER: Whoa. Excuse me. 11:53:04

11 Excuse me.

12 MR. MAO: No, no, no, no, no --

13 (Simultaneous speaking.)

14 (Interruption in audio/video.)

15 THE COURT REPORTER: Excuse me. There
16 are --

17 MR. MAO: -- no, no, no. Here's why --
18 here's why --

19 THE COURT REPORTER: Wait. Excuse me.
20 Counsel --

21 MR. MAO: -- it --

22 THE COURT REPORTER: -- excuse me. Stop,
23 please.

24 MR. MAO: Yes.

25 THE COURT REPORTER: I'm getting two